



**CALIFORNIA STATE PERSONNEL BOARD**

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ARNOLD SCHWARZENEGGER, Governor



**CALIFORNIA STATE PERSONNEL BOARD MEETING**

801 Capitol Mall  
Sacramento, California

Public Session Location – 345 Stockton Street  
San Francisco, CA 94108

Closed Session Location – 345 Stockton Street  
San Francisco, CA 94108

**SUMMARY MINUTES – DECEMBER 4, 2007**

## **FULL MONTH BOARD MEETING MINUTES<sup>1</sup>**

**December 4, 2007**

### **PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

#### **1. ROLL CALL**

##### **MEMBERS PRESENT:**

Sean Harrigan, President  
Anne Sheehan, Vice President  
Richard Costigan, Member  
Maeley Tom, Member

#### **2. REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose**

- Portia Jacobson has joined SPB from CalSTRS as the new Secretariat.
- Paul Ramsey will be joining SPB on December 17, 2007 as the new Chief Administrative Law Judge. Paul joins us from DFEH.
- On Thursday, November 29, 2007 SPB, DPA and DOF hosted an HR Modernization Forum:
  - Directors and Agency Secretaries attended
  - The HR Mod Team made a pitch for agencies to contribute people, positions and other resources
  - Twenty PY's were committed
  - Fifteen others were tentatively committed awaiting authorization.
- The Health and Human Services Agency has created a study guide for the SSA transfer exam. SPB is planning on posting it on our website.
- SPB is working in partnership with DPA to create a Workforce Planning Workshop, and anticipate this will take place in March 2008.
- Eleven of the eighteen Executive Fellows from last year's program have been hired into state service.
- SSA exam report:
  - 11,072 candidates have passed the exam
  - 1,692 candidates were unsuccessful
  - One individual is in Rank 1
  - Three individuals are in Ranks 2 & 3
  - 1,609 individuals are in Rank 4
  - 236 candidates have been hired off the SSA list; 24 of those candidates were Vets.
  - 6 SROA candidates have been added to the top of the SSA list

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<sup>1</sup> The Minutes for the Board Meetings can be obtained at the following internet address:  
<http://www.spb.ca.gov/about/board/agenda/index.htm>.

**3. REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (CalPERS)  
- Maeley Tom**

A report was distributed on recent activities of the Public Employees' Retirement System

**4. REPORT OF THE CHIEF COUNSEL  
- Elise Rose**

- The Plata Receiver has requested that the federal court waive certain provisions of state contracting out statutes for CDCR health care contracts.
- The cost savings personal service contract regulations have been re-submitted to the Office of Administrative Law. Staff anticipates the new regulations will be effective on December 19, 2007.
- A proposed service of process regulation has been submitted by SPB staff to the Office of Administrative Law. A public hearing on the matter will be scheduled for the Board's February meeting.

**5. NEW BUSINESS**

**NONE PRESENTED**

**6. REPORT ON LEGISLATION  
- Sherry Evans**

**NONE PRESENTED**

**7. ELECTION OF BOARD OFFICERS**

On December 4, 2007, the Board unanimously re-elected Mr. Harrigan to serve as the President, and unanimously elected Mr. Costigan to serve as the Vice President. Additionally, the Board also unanimously elected Ms. Sheehan to serve as the Board's representative to the California Public Employees' Retirement System (CalPERS) Board of Administration for calendar year 2008.

VOTE: Harrigan, Sheehan, Tom, Costigan – Aye

**CLOSED SESSION OF THE STATE PERSONNEL BOARD PURSUANT TO  
COPLEY PRESS, INC. v. SUPERIOR COURT (2006) 39 4<sup>TH</sup> 1272**

**8. ORAL ARGUMENT**

In the matter of **CASE NO. 06-3014PA** Appeal from official reprimand. Correctional Sergeant. Department of Corrections and Rehabilitation.

- Andy McCluskey, Employee Relations Officer, Department of Corrections and Rehabilitation, representing the department.

- Mark Kruger, Attorney, California Correctional Supervisors Organization, representing appellant.

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**9. ORAL ARGUMENT**

In the matter of **CASE NO. 06-1413PA**. Appeal from five percent reduction in salary for six months. Registered Nurse, Department of Corrections and Rehabilitation.

- Andy McCluskey, Employee Relations Officer, Department of Corrections and Rehabilitation, representing the department.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**10. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**11. ORAL ARGUMENT**

In the matter of **PERSONAL SERVICES CONTRACT NO. 07-04**. Appeal from Executive Officer's disapproval of Personal Services Contract for Psychological Services, Department of Mental Health.

- Norman Black, Assistant Chief Counsel, Department of Mental Health, representing the department.
- Andrew Baker, Attorney, American Federation of State, County, and Municipal Employees 2620 (AFSCME), representing appellant.

**12. INFORMATIONAL BRIEFING – VETERAN'S PREFERENCE POINTS**

Board staff provided a brief update to the five-member Board and interested parties concerning discussion held to date between Board staff and interested parties regarding the manner in which Veteran's Preference Points are added to examination scores.

- **Bruce Monfross**, Senior Staff Counsel, California State Personnel Board
- **Jack Kirwan**, Deputy Secretary for Administration, Department of Veterans Affairs

**13. INFORMATIONAL BRIEFING – RULE OF THREE RANKS**

Board staff provided a brief update to the five-member Board and interested parties concerning discussion held to date between Board staff and interested parties regarding proposals that eligibility lists be comprised of only three ranks.

- **Bruce Monfross**, Senior Staff Counsel, California State Personnel Board

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**14. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**15. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (c) (3), and 18653.]

**16. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California  
United States District Court, Northern District of California  
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.  
Case No. C01-1351 THE

Colocousis, et al. v. State Personnel Board, et al.  
Sacramento Superior Court Case No. 07CS00461

**17. RECOMMENDATIONS TO THE LEGISLATURE**

**NO ACTION**

**18. RECOMMENDATIONS TO THE GOVERNOR**

**NO ACTION**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

19. **DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF DECEMBER 18, 2007, IN SACRAMENTO, CALIFORNIA**

**NO ACTION**

**BOARD ACTIONS**

20. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF OCTOBER 22, 2007 AND NOVEMBER 5, 2007**

**ACTION: ADOPTED**

VOTE: Harrigan, Sheehan, Tom, Costigan - AYE

21. **EVIDENTIARY CASES**

**ACTION: See Minutes on Pages 9-16**

22. **RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION**

**ACTION: ADOPTED**

VOTE: Harrigan, Sheehan, Tom, Costigan - AYE

23. **NON-EVIDENTIARY CASES**

**ACTION: See Minutes on Pages 16-21**

24. **NON-HEARING CALENDAR**

On December 4, 2007, the following proposals were presented to the Board by Elise Rose, Chief Counsel, California State Personnel Board.

- A. **BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE**

- B. **ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

**NONE**

**25. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE**

**26. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**NONE**

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**CHIEF DEPUTY DIRECTOR, OFFICE OF GANG AND YOUTH VIOLENCE POLICY**

The Governor's Office of Emergency Services' request to allocate the above position has been approved effective October 25, 2007.

**SPECIAL ASSISTANT, INSPECTOR GENERAL**

The Office of the Inspector General's request to allocate the above position has been approved November 9, 2007.

**CHIEF, PLANNING AND PROJECT MANAGEMENT BRANCH**

The Department of Public Health's request to allocate the above position has been approved effective November 9, 2007.

**DEPUTY DIRECTOR OF BUSINESS PLANNING**

The California Lottery's request to allocate the above position has been approved November 9, 2007.

**DEPUTY DIRECTOR OF OPERATIONS**

The California Lottery's request to allocate the above position has been approved effective November 9, 2007.

**ACTION: NOTED**

**27. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**28. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE**

**29. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE**

**30. BOARD ACTIONS ON SUBMITTED ITEMS**

**ACTION: See Minutes on Pages 21-22**

**A D J O U R N M E N T**



**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 20 – 22  
AS NOTED**

**20. EVIDENTIARY CASES**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**A. BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting.

On December 4, 2007, the following proposals were presented to the Board by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Costigan - AYE

**(1) CASE NO. 05-1007EA**

Appeal from denial of discrimination complaint

**Classification:** Outside contractor

**Department:** Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**

**(2) CASE NO. 06-2010A**

Appeal from medical termination

**Classification:** Administrative Support Coordinator II

**Department:** California State University, Los Angeles

Proposed decision rejected May 8, 2007.

Transcript prepared.

Oral argument heard August 7, 2007, Pasadena.

Case ready for decision by FULL Board.

**NO ACTION**

**(3) CASE NO. 05-1043P**

Appeal from dismissal

**Classification:** Tax Counsel, Range D

**Department:** Board of Equalization

Petition for rehearing granted June 5, 2007.

Transcript prepared.

Oral argument heard October 9, 2007, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**

**(4) PSC NO. 07-02, FILE NO. 07-003 (b)**

Appeal from Executive Officer's disapproval of contract

**Classification:** Janitorial Services

**Department:**

Petition for rehearing granted May 8, 2007.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases were on the calendar to be argued at this meeting or were considered by the Board in closed session based on written arguments submitted by the parties.

**(1) CASE NO. 06-3014A**

Appeal from official reprimand

**Classification:** Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

**ACTION: SUBMITTED**

**(2) CASE NO. 06-1413A**

Appeal from five percent reduction in salary for six months

**Classification:** Registered Nurse

**Department:** Department of Corrections and Rehabilitation

**ACTION: SUBMITTED**

**(3) PSC No. 07-04**

Appeal from Executive Officer's disapproval of Personal Services Contract for Psychological Services

**Department:** Department of Mental Health

**ACTION: SUBMITTED**

**C. CHIEF COUNSEL RESOLUTIONS**

**(1) PSC 06-03**

Appeal by the Department of the California Highway Patrol/Inter-Con Security Services, Inc., and SEIU, Local 1000, from Executive Officer Decision Disapproving Contract for Security Guard Services.

**ACTION:** The Board issued a Resolution placing PSC 06-03 in abeyance, and scheduling an evidentiary hearing before an ALJ for SPB File Nos. 07-015(a), 07-016(a)d and 07-017(a).

**(2) SPB Case No. 05-0929**

Appeal from rejection during probation from Health Program Manager I, Department of Health Services.

**ACTION:** The Board issued a resolution denying the request for an Order to Show Cause filed by appellant against the Department of Health Services.

**(3) Monterey County Approved Alternate Discipline System**

Request by Monterey County for approval of Alternate Discipline Review System.

**ACTION:** The Board issued a Resolution approving Monterey County's request to utilize an alternate discipline review system, pursuant to the provisions of Government Code section 19802.5.

**COURT REMANDS**

**(1) CASE NO. 07-4744**

**Classification:** Associate CalTrans Administrator.

**Department:** Department of Transportation

**ACTION:** The Board issued a Resolution retroactively appointing appellant to the position of Associate CalTrans Administrator.

- (2) **CASE NO. 05-0512**  
**Classification:** Fire Captain  
**Department:** Department of Forestry and Fire Protection

**ACTION:** The Board issued a Resolution revoking appellant's demotion from the position of Fire Captain and ordering the Department to pay appellant all back pay and benefits, in accordance with the writ issued by the superior court.

**STIPULATIONS**

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These were ALJ proposed decisions submitted to the Board for the first time.

On December 4, 2007, the Board took the following action on the case listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Tom, Costigan - AYE

- (1) **CASE NO. 06-2706**  
Appeal from dismissal  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision, except for that portion located on pages 8-9 concerning appellant's motion to exclude representatives from the Office of the Inspector General from the hearing, which the Board did not adopt.

- (2) **CASE NOS. 07-1230 & 07-1337**  
Appeals from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision

**(3) CASE NO. 06-3234**

Appeal from five percent reduction in salary for sixteen months

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board rejected the ALJ's Proposed Decision and remanded the case for hearing before a different ALJ.

**(4) CASE NO. 05-2075E**

Appeal from denial of reasonable accommodation/disability discrimination complaint

**Classification:** Associate Information Systems Analyst

**Department:** Department of Transportation

**ACTION:** The Board adopted the Proposed Decision, except for footnote three concerning the dismissal of appellant's allegation that she had been retaliated against for utilizing the Department of Transportation's workplace violence report process, which the Board did not adopt.

**(5) CASE NO. 06-4338**

Appeal from dismissal

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision

**(6) CASE NO. 06-3650**

Appeal from dismissal

**Classification:** Motor Vehicle Technician

**Department:** Department of Motor Vehicles

**ACTION:** The Board adopted the ALJ's Proposed Decision

**(7) CASE NO. 05-0099E**

Appeal from whistleblower retaliation complaint

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed Decision

**(8) CASE NO. 06-1386**

Appeal for reinstatement from disability retirement

**Classification:** Accounting Officer (Specialist)

**Department:** Department of Transportation

**ACTION:** The Board adopted the ALJ's Proposed Decision

- (9) **CASE NO. 05-1890**  
Appeal from demotion  
**Classification:** Professor  
**Department:** San Jose State University, San Jose  
  
**ACTION:** The Board adopted the ALJ's Proposed Decision
- (10) **CASE NO. 07-1498**  
Appeal from dismissal  
**Classification:** Staff Psychiatrist  
**Department:** Department of Corrections and Rehabilitation  
  
**ACTION:** The Board adopted the ALJ's Proposed Decision
- (11) **CASE NO. 07-0042**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
  
**ACTION:** The Board adopted the ALJ's Proposed Decision
- (12) **CASE NO. 07-1473**  
Appeal from ten percent reduction in salary for six months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
  
**ACTION:** The Board adopted the ALJ's Proposed Decision
- (13) **CASE NO. 05-3555**  
Appeal from dismissal  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation  
  
**ACTION:** The Board adopted the ALJ's Proposed Decision
- (14) **CASE NO. 04-2685E**  
Appeal from denial of sexual harassment complaint  
**Classification:** Senior Legal Typist  
**Department:** Department of Insurance  
  
**ACTION:** The Board adopted the ALJ's Proposed Decision

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING**

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

**NONE**

**PROPOSED DECISIONS AFTER BOARD REMAND**

**NONE**

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

**NONE**

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **CASE NO. 06-2727P**  
Appeal from dismissal  
**Classification:** Officer  
**Department:** Department of California Highway Patrol

**ACTION:** DENIED

- (2) **CASE NO. 05-1879P**  
Appeal from rejection during probationary period  
**Classification:** Fire and Life Safety Officer I  
**Department:** Department of General Services

**ACTION:** DENIED

**WHISTLEBLOWER NOTICE OF FINDINGS**

**NONE**

**F. PENDING BOARD REVIEW**

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **CASE NO. 06-3534A**  
Appeal from constructive medical termination  
**Classification:** Psychiatric Technician Assistant  
**Department:** Department of Developmental Services
- Proposed decision rejected June 19, 2007.  
Transcript prepared.  
Oral argument continued.  
**NO ACTION**
- (2) **CASE NO. 06-3014PA**  
Appeal from official reprimand  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation
- Petition for rehearing granted July 10, 2007.  
Transcript prepared.  
Pending oral argument October 9, 2007, Sacramento.  
Oral argument continued.  
Pending oral argument December 4, 2007, San Francisco  
**ACTION: SUBMITTED**
- (3) **CASE NO. 07-0850A**  
Appeal from non-punitive termination  
**Classification:** Clinical Social Worker  
**Department:** Department of Corrections and Rehabilitation
- Proposed decision rejected September 24, 2007.  
Pending transcript.  
**NO ACTION**
- (4) **CASE NO. 05-3327A**  
Appeal from dismissal  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation
- Proposed decision rejected July 10, 2007.  
Transcript prepared.  
**NO ACTION**



- (5) **CASE NO. 06-1413PA**  
Appeal from five percent reduction in salary for six months  
**Classification:** Registered Nurse  
**Department:** Department of Corrections and Rehabilitation

Petition for rehearing granted August 7, 2007.  
Transcript prepared.  
Pending oral argument December 4, 2007, San Francisco.

**ACTION: SUBMITTED**

**21. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

- (1) **CASE NO. 06-3242N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; omitting information, failing to meet legal obligations, and fraud.  
**ACTION: DENIED**
- (2) **CASE NO. 06-3163N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; negative law enforcement contacts and omitting pertinent information.  
**ACTION: DENIED**
- (3) **CASE NO. 06-2235N**  
**Classification:** Medical Technical Assistant  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; illegal use of prescription drugs, negative law enforcement contacts and a negative employment and credit history  
**ACTION: DENIED**

- (4) **CASE NO. 06-2585N**  
**Classification:** CHP Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; underage drinking, driving under the influence and supplying alcohol to minors.  
**ACTION: DENIED**
- (5) **CASE NO. 06-3141N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; negative law enforcement contacts.  
**ACTION: DENIED**
- (6) **CASE NO. 06-2065N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; illegal drug activity.  
**ACTION: DENIED**
- (7) **CASE NO. 06-3164N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; negative employment history.  
**ACTION: DENIED**
- (8) **CASE NO. 06-0669N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; failure to fulfill legal obligations and omitting pertinent information.  
**ACTION: DENIED**
- (9) **CASE NO. 06-1474N**  
**Classification:** Legal Analyst  
**Department:** California Department of Justice  
**Issue:** Was the appellant's name appropriately withheld from certification on the Legal Analyst eligibility list?  
**ACTION: DENIED**
- (10) **CASE NO. 06-1849N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; felony conviction.  
**ACTION: DENIED**

- (11) **CASE NO. 06-3131N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; firearm prohibition.  
**ACTION: DENIED**
- (12) **CASE NO. 06-2747N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; illegal drug activity.  
**ACTION: DENIED**
- (13) **CASE NO. 06-3088N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; job termination within one year of the CDCR application.  
**ACTION: DENIED**

**DISMISSED CASES**

NONE PRESENTED

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

- (1) **CASE NO. 06-1703N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** The appellant demonstrated a history of poor judgment and logical reasoning deficits, personality traits that would significantly interfere with the performance standards for state peace officer employment under G.C. § 1031(f).

**ACTION: ADOPTED**

- **CASE NO. 07-0434**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation

**ACTION: ADOPTED**

- **CASE NO. 07-2833**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation

**ACTION: ADOPTED**

**C. EXAMINATION APPEALS**  
**MINIMUM QUALIFICATIONS**  
**MERIT ISSUE COMPLAINTS**

**NONE**

**D. RULE 211 APPEALS**  
**RULE 212 OUT OF CLASS APPEALS**  
**VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board was presented recommendations by a Staff Hearing Officer for final decision on each appeal.

- (1) CASE NO. 06-3993N**  
**Classification:** Behavior Specialist I and Community Liaison Representative  
**Department:** State Personnel Board  
**Issue:** Pursuant to Rule 211, the appellant is requesting approval from the SPB's Executive Officer to take a state examination after having been dismissed from state service.

**ACTION: DENIED**

- (2) CASE NO. 06-4220N**  
**Classification:** Structural Steel Painter  
**Department:** California State Personnel Board  
**Issue:** Pursuant to Rule 211, the appellant is requesting approval from the SPB's Executive Officer to take a state examination after having been dismissed from state service.

**ACTION: DENIED**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

- (1) **CASE NO. 06-0533N**  
**Classification:** GED Teacher  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** The charging party requests that charges be filed against the charged party for violations of various subsections of Government Code, section 19572.

**ACTION: DENIED**

- (2) **CASE NO. 06-1356N**  
**Classification:** Public Utilities Regulatory Analyst III  
**Department:** California Public Utilities Commission  
**Issue:** The charging parties request charges be filed against the charged party for violations of various subsections of Government Code § 19572.

**ACTION: DENIED**

**PETITIONS FOR REHEARING CASES**

**NONE**

**SUBMITTED**

1. **TEACHER STATE HOSPITAL (SEVERELY), ETC.**  
Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)
2. **VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**  
Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)
3. **TELEVISION SPECIALIST (SAFETY)**  
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)
4. **HEARING – Personal Services Contract #04-03**  
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)
5. **HEARING**  
Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)
6. **CASE NO. 05-4007EA**  
Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation. (Oral argument held July 10, 2007.)
7. **CASE NO. 06-2010A.** Appeal from medical termination.  
Administrative Support Coordinator II. California State University, Los Angeles. (Oral argument held on August 7, 2007.)
8. **PERSONAL SERVICES CONTRACT NO. 07-02, CASE NO. 07-003(b)** Appeal in the matter of the Executive Officer's disapproval of the Janitorial Services contract. Department of Health Services.
9. **CASE NO. 06-3014PA.** Appeal from official reprimand. Correctional Sergeant. Department of Corrections and Rehabilitation. (Oral argument held on December 4, 2007.)

10. **CASE NO. 06-1413PA.** Appeal from five percent reduction in salary for six months. Registered Nurse, Department of Corrections and Rehabilitation. (Oral argument held on December 4, 2007.)
11. **PERSONAL SERVICES CONTRACT NO. 07-04.** Appeal from Executive Officer's disapproval of Personal Services Contract for Psychological Services. Department of Mental Health. (Oral argument held on December 4, 2007.)

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.



**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

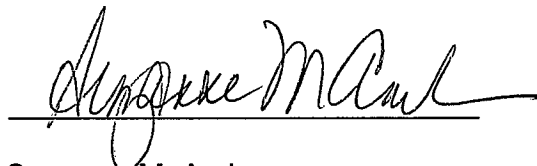
**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on December 18, 2007.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan - AYE

A handwritten signature in cursive script, reading "Suzanne M. Ambrose", is written over a horizontal line.

Suzanne M. Ambrose  
Executive Officer  
California State Personnel Board